

Message Text

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44

ACTION AF-04

INFO OCT-01 SS-14 ISO-00 EUR-10 NSC-07 NSCE-00 CIAE-00

INR-11 NSAE-00 RSC-01 SCA-01 SCS-01 L-02 PRS-01

USIA-04 SY-02 DRC-01 SSO-00 INRE-00 /060 W

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O R 101430Z SEP 74

FM AMEMBASSY NAIROBI

TO SECSTATE WASHDC IMMEDIATE 9090

INFO AMEMBASSY PARIS

C O N F I D E N T I A L NAIROBI 7705

LIMDIS

PARIS FOR MALONE

E.O. 11652: GDS

TAGS: BDIS, CPRS, KE, US

SUBJ: THE SAUL SAGA

REF: NAIROBI 7587

1. SUMMARY: KENYATTA'S INVOLVEMENT IN SAUL SAGA IS CONFIRMED. NEGOTIATIONS BEGIN ON OUT OF COURT SETTLEMENT. POLICE CONTINUE TO SEARCH FOR MILLER. END SUMMARY.

2. SAUL'S LAWYER, WHO LONG-STANDING FRIEND OF ATTORNEY GENERAL NJONJO, INVITED TMNJONGO'S OFFICE THIS MORNING (SEPT. 10) FOR INFORMAL MEETING ON SAUL CASE. NJONJO INDICATED MEETING BEING HELD AT REQUEST OF KENYATTA AND THAT JE (NJONJO) HAD ALREADY RECEIVED FOUR ANXIOUS PHONE CALLS FROM STATE HOUSE (A EUPHEMISM MEANING KENYATTA OR SOMEONE ACTING ON KENYATTA'S ORDERS) ASKING RESULTS OF MEETING.

3. NJONJO ASKED LAWYER TO WITHDRAW LAWSUIT AGAINST
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CRITICOS; LAWYER REPLIED THIS WOULD NOT BE DONE.

NJONJO REPORTED KENYATTA VERY WORRIED AKGUT PUBLICITY WHICH COULD DEVTLOP FROM CASE AND THEREFORE ANXIOUS TO HAVE CASE STOPPED AND MILLER THROWN OUT OF COUNTRY. SAUL'S LAWYER EXPLAINED TO NJONJO THAT MILLER'S EXPULSION WOULD HAVE NO EFFECT ON LAWSUIT.

4. SAUL'S LAWYER THEN MADE PROPOSAL WHICH PRESUMABLY WAS WORKED OUT IN ADVANCE BY SAUL, MILLER AND LAWYER. PROPOSAL WAS THAT (A) CRITICOS STOP ALL ACTIVITY AT MINE AS PER INJUNCTION, (B) SAUL AND MILLER BE ALLOWED TO LIVE UNMOLESTED IN KENYA AND (C) THEY BE ALLOWED TO WORK NGANGA MINE IN FIFTY-FIFTY PARTNERSHIP WITH PERSON OR PERSONS PRESZNTLY REPRESENTED BY CRITICOS. NJONJO ADMITTED C NTICOS FRONT FOR MAMA NGINA, KENYATTA'S WIFE.

5. ACCORDING TO LAWYER, NJONJO SAID PROPOSAL SEEMED REASONABLE TO HIM AND PROMISED TO PASS IT IMMEDIATELY TO STATE HOUSE. LAWYER EXPECTS PROMPT REACTION FROM STATE HOUSE.

6. REACTION CAME FASTER THAN EXPECTED. ABOUT NOON TODAY, APPROXIMATELY TWO HOURS AFTER LAWYER'S MEETING WITH NJONJO, TWO IMMIGRATION OFFICERS VISITED SAUL'S OFFICE LOOKING FOR MILLER. THEY WERE TOLD BY OFFICE MANAGER THAT HE DID NOT KNOW MIOLER'S WHEREABOUTS.

7. WHEN LAWYER LEARNED OF VISIT OF IMMIGRATION OFFICIALS, HE CALLED NJONJO TO SAY NEGOTIATIONS COULD NOT BE CARRIED ON IF MILLER UNDER THREAT. NJONJO DENIED KNOWLEDGE OF IMMIGRATION DEPARTMENT INTEREST BUT SPECULATED KENYATTA GAVE ORDER TO EXPEL MILLER IN HOPE THAT PROBLEM WOULD GO AWAY WITH MILLER.

8. AFTER TALKING TO LAWYER, NJONJO TELEPHONED VICE PRESIDENT MOI (WHO ALSO MINISTER HOME AFFAIRS) TO LEARN REASON FOR IMMIGRATION OFFICIALS' VISIT. MOI REPORTED HE HAD JUST BEEN INSTRUCTED BY KENYATTA TO FIND MILLER TODAY, CANCEL WHATEVER IMMIGRATION PAPERS HE HAS, AND CONFIDENTIAL

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SEND HIM OUT OF COUNTRY.

9. UPON LEARNING OF THESE INSTRUCTIONS (1500 LOCAL TIME) AMBASSADOR SOUGHT URGENT APPOINTMENT WITH MOI. MOI WAS IN MEETING BUT AGREED TO TAKE TELEPHONE CALL. AMBASSADOR STATED HIS UNDERSTANDING IMMIGRATION OFFICIALS LOOKING FOR MILLER AND ASKED MOI WHAT HE KNEW OF THIS. MOI REPLIED HE UNDERSTOOD "MILLER PUT INJUNCTION

ON MZEE'S INTERESTS". MOI SAID HE DID NOT KNOW DETAILS ABOUT MILLER AND ASKED AMBASSADOR TO EXPLAIN ABOUT INJUNCTION AGAINST CRITICOS. THIS WAS DONE.

10. AMBASSADOR ASKED WHETHER FACT IMMIGRATION OFFICIALS LOOKING FOR MILLER MEANT HE TO BE DEPORTED. MOI REPLIED, "NO, JUST CANCELLATION OF HIS VISA"ME AMBASSADOR TOLD MOI SUCH ACTION WOULD COMPLICATE MATTER MORE THAN GET RID OF IT. WHEN AMBASSADOR ASKED IF INJUNCTION WAS REASON MILLER'S VISA TO BE CANCELLED, MOI SUGGESTED AMBASSADOR CALL ATTORNEY GENERAL NJONJO. ATTEMPT TO REACH NJONJO WAS MADE UNSUCCESSFULLY.

11. MILLER IN MEANTIME REMAINS IN HIDING.
MARSHALL

NOTE BY OC/T: TEXT AS RECEIVED.

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